

Appl. No. 10/783,666
Amdt dated October 24, 2006
Amendment and Response to Office Action dated 07/24/2006
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REMARKS

The foregoing amendment amends Claim 1, cancels Claims 5 and 6, and adds Claim 17. Claims 1-4 and 7-17 are pending in the application with Claim 1 being independent.

Claim 1

The Examiner rejected Claims 1-6 and 14-16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 2001/0045322 to *Nilsson et al.* ("*Nilsson*"). Claim 1 has been amended to clarify that the end portion of the upstream pipe and the end portion of the downstream pipe open in the same direction and that the opening in the downstream pipe is positioned in an axial direction between the end portion of the upstream pipe and the end portion of the downstream pipe. Support for the amendment to Claim 1 can be found in Figures 2 and 6 and the accompanying text. Figure 2 illustrates that the end portion of the upstream pipe (11a) and the end portion of the downstream pipe (8a) open in the same direction and that the opening in the downstream pipe (10) is located in an axial direction between the end portion of the upstream pipe and the end portion of the downstream pipe.

Nilsson describes that an inlet (2) conveys exhaust gases to a chamber (3) and on to a straight tubular section (5) and a bend (4). The bend (4) connects to an end pipe (6) that includes a perforated section (6a). Figure 1 and [0021] – [0022]. As shown in Figure 1, the inlet pipe extends to the chamber wall and the straight tubular section extends from the same side of the wall. The perforated section axially overlaps both the inlet pipe and the straight tubular section. In contrast, Claim 1 requires that the opening in the downstream pipe is located in an axial direction between the end portion of the upstream pipe and the end portion of the downstream pipe. Claim 1 is patentable over *Nilsson* since *Nilsson* does not describe the claimed location of the opening in the downstream pipe.

Claims 2-4 and 7-17

Claims 2-4 and 7-17 depend from Claim 1 and are patentable for at least the same reasons as Claim 1. Claim 17 recites that the muffler body is partitioned into a first

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expansion chamber, a second expansion chamber and a third expansion chamber by a first baffle plate and a second baffle plate. Support for Claim 17 is found in Figures 2 and 6 and the accompanying text.

CONCLUSION

In light of the foregoing, it is respectfully submitted that the pending claims are allowable and a notice of allowance is respectfully requested. If there are any issues that can be resolved via a telephone conference, the Examiner is invited to contact Brenda Holmes at 404.685.6799.

Respectfully submitted,



Brenda O. Holmes
Reg. No. 40,339

Kilpatrick Stockton LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309
(404) 815-6500
KS File: 44471/309951